



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

S.B. No. 153 (RAISED) An Act Providing a Safe Harbor for Exploited Children

Select Committee on Children
February 23, 2010

The Division of Criminal Justice respectfully recommends the Committee take no action on S.B. No. 153, *An Act Providing a Safe Harbor for Exploited Children*. While the Division appreciates the intent of this legislation and the efforts of those who work so diligently to identify and assist the victims of human trafficking, the bill seeks to address a problem that does not exist in the State of Connecticut.

First, to be perfectly clear: the Division of Criminal Justice is not in the business of prosecuting the innocent victims of human trafficking or any other crime. We would note that this is not even implied by the proponents of the bill. Although a "fact sheet" distributed on this bill does cite instances where adults were prosecuted for crimes related to the prostitution of children, there is no indication whatsoever that prosecution of the children victims in any of the cited cases was ever even contemplated. Again, to be perfectly clear: if the proponents of this bill or any other individual is aware of any instance where the innocent victim of trafficking has been prosecuted for a criminal offense we would respectfully ask that they inform the Division immediately so that we may review the specific case and take any necessary remedial action.

The bill also could have unintended consequences. Effectively, it would apply solely to 16-year-olds who are charged with prostitution since a child under the age of 16 cannot legally consent to *any* form of sexual activity, including an act of prostitution, and thus cannot be legally prosecuted for prostitution in Connecticut. That said the bill would undermine the ability of the criminal justice system to properly respond in the very rare instance where a 16-year-old might be arrested for prostitution. As a result of the "Raise the Age" legislation, the 16-year-old would be referred to the Superior Court for Juvenile Matters where the case would likely be resolved through the provision of the services and/or treatment necessary to address the child's behavior and not the sanctions associated with the adult court. This bill would only create an additional and unnecessary hurdle to getting the services provided in such a case.

In conclusion, the Division appreciates the intent of S.B. No. 153 and the efforts of those who work to serve victims of trafficking, but for the aforementioned reasons we believe this bill is not needed. We would respectfully request no action.

Respectfully submitted,
Kevin T. Kane
Chief State's Attorney